

ATTACHMENT A
CRITERIA FOR ADMITTANCE TO OAC CLASS PANELS
(Revised Effective January 1, 2009)

1. CLASS I ATTORNEYS

A. MEMBER OF THE CALIFORNIA BAR

1. Has practiced law six (6) months

B. HAS CRIMINAL LAW EXPERIENCE

1. Handled six (6) cases as solo attorney (with case information), OR
2. Served one (1) year as a public defender or prosecutor

C. OAC-APPROVED CLE

12 hours in last 6 months, including: evidence (2), jury selection (2), DV (2), DUI (2), Prop. 36 (2), Pitchess, Discovery and Other Motions (2)

D. HAS SUBMITTED REFERENCES

1. A list of attorneys with whom the applicant has practiced law
2. A list of cases handled (see B1 above) including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel
 - f. name of judge
 - g. year case handled
3. List of References (may include judges)

2. CLASS II ATTORNEYS

A. MEMBER OF THE CALIFORNIA BAR

1. Has practiced law one (1) year

B. HAS CRIMINAL LAW EXPERIENCE

1. Has handled twenty (20) cases of which two (2) were submitted to the jury for verdict, OR
2. Served one (1) year as a public defender or prosecutor

C. OAC-APPROVED CLE

12 hours in the past year required for Class I classification (see above), AND an additional 2 hours each for: (1) all registerable offenses and (2) collateral consequences (including immigration)

D. HAS SUBMITTED REFERENCES

1. A list of attorneys with whom the applicant has practiced law
2. A list of cases handled (see B1 above) including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel
 - f. name of judge
 - g. year case handled
3. List of References (may include judges)

3. CLASS III ATTORNEYS

A. MEMBER OF CALIFORNIA BAR

1. Has practiced law two (2) years

B. HAS CRIMINAL LAW EXPERIENCE

Has handled ten (10) misdemeanor and ten (10) felony matters, AND

1. Must have had four (4) misdemeanor jury trials, and
2. Two (2) felony jury trials as principal counsel or one (1) felony jury trial as principal counsel plus two (2) felony jury trials as second chair, AND
3. Three (3) preliminary hearings

C. OAC-APPROVED CLE

12 hours criminal law CLE in the past year, including: Prop. 36, strikes, collateral consequences (including immigration), sentencing, and registerable offenses.

D. HAS SUBMITTED REFERENCES

1. A list of attorneys with whom the applicant has practiced law
2. A list of cases handled (see 3B1 above) including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel
 - f. name of judge
 - g. year case handled
3. List of 5 references (may include judges), including addresses and phone numbers.

4. CLASS IV ATTORNEYS

A. MEMBER OF CALIFORNIA BAR

1. Has practiced law four (4) years

B. HAS CRIMINAL LAW EXPERIENCE

1. Has handled twenty (20) felony cases of which 5 were submitted to the jury for deliberation
2. Has demonstrated proficiency in litigating evidentiary and non-evidentiary motions, including, but not limited to:
 - a. Motions to dismiss pursuant to PC 995
 - b. Non-statutory motions to dismiss (speedy trial, prosecutorial misconduct, delay of prosecution)
 - c. Motions to sever counts and/or defendants
 - d. Motions to suppress statements (Miranda and voluntariness grounds)
 - e. Motions to suppress evidence pursuant to PC 1538.5
 - f. Discovery motions
 - g. Motions to strike prior “strike” convictions (*Romero* motions)
 - h. Motions attacking prior convictions
 - i. Motions to exclude prior acts (Evidence C. 1101, 1108, 1109 issues)
3. Has demonstrated proficiency in sentencing matters including but not limited to litigation of prior convictions and custody credit issues.

C. OAC-APPROVED CLE

12 hours in the past year, including adult and child sexual abuse and child abuse cases, and strikes (PC667(b)-(i) and 667.1); AND 6 hours on felony sentencing

D. HAS SUBMITTED REFERENCES

1. A list of attorneys with whom the applicant has practiced law
2. A list of 5 references (may include judges), including addresses and phone numbers;
3. Letters of recommendation from at least 2 judges who have presided over the applicant’s felony jury trials.

4. CLASS V ATTORNEYS

A. MEMBER OF CALIFORNIA BAR

1. Has practiced law six (6) years

B. HAS CRIMINAL LAW EXPERIENCE

1. Has handled 15 Class IV matters or their equivalent as principal defense counsel of which 5 were submitted to the jury for deliberation
2. (See Item #2, above, for Class IV)
3. Has demonstrated proficiency in sentencing matters including but not limited to litigation of prior convictions (including “strikes”), sentencing in sex cases and custody credit issues.
4. In the case of an attorney who has never before tried a homicide case, it is required that such attorney either second-chair a homicide trial, assist an attorney in a homicide trial which is submitted to the jury for deliberation or observe an entire homicide trial which is then submitted to the jury for deliberation.

C. OAC-APPROVED CLE

12 hours of CLE in the past year, adult and child sexual abuse and child abuse cases, “strike” cases, and sentencing; AND At least 1 course/seminar in forensics and pathology in the past year; (Participation at a day-long homicide seminar in the past year will satisfy this requirement); AND Attendance of one CACJ/CPDA Death Penalty Seminar (held each February) in the past 3 years or its OAC-approved equivalent.

D. HAS SUBMITTED REFERENCES

1. A list of attorneys with whom the applicant has practiced law
2. A list of cases handled (see 5B1 above) including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel
 - f. name of judge
 - g. year case handled
3. List of 5 references (may include judges), including addresses and phone numbers;
4. Letters of recommendation from at least 2 judges who have presided over the applicant’s Class IV jury trials.

6. CLASS VI ATTORNEYS AS AMENDED ON OCTOBER 7, 2008

A. MEMBER OF CALIFORNIA BAR

1. Has practiced law six (6) years

B. HAS CRIMINAL LAW EXPERIENCE

1. Has handled at least nine (9) Class V matters or their equivalent as principal defense counsel, of which five (5) went to the jury. Of those five (5), three (3) must be first degree murder cases. Second chair counsel or the equivalent experience on prior Class VI cases will be considered in lieu of one or more Class V trials.

C. CONTINUING LEGAL EDUCATION REQUIREMENTS

1. Twelve (12) hours of OAC approved MCLE in the past year, AND, has attended a death penalty college/workshop or CACJ/CPDA capital case seminar or its OAC-approved equivalent within the 3 years preceding the application AND a day-long homicide seminar within the 12 months preceding the application.

D. HAS SUBMITTED REFERENCES

1. A list of attorneys with whom the applicant has practiced law.
2. A list of cases handled (see 6B1 above) including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel
 - f. name of judge
 - g. year case handled
3. Letters from two (2) attorneys and four (4) judges in front of whom the applicant has handled cases (three of whom must be judges who have presided over the applicant's first degree murder jury trials)

7. SECOND CHAIR DEATH PENALTY CASE ATTORNEY AS AMENDED 5/12/03

A. MEETS ALL QUALIFICATIONS OF CLASS V AND/OR VI PANEL ATTORNEYS.

B. MUST HAVE ATTENDED DEATH PENALTY SEMINAR OR OAC-APPROVED EQUIVALENT WITHIN PAST THREE YEARS

C. MUST HAVE ATTENDED DAY-LONG HOMICIDE SEMINAR WITHIN PAST TWELVE MONTHS

D. MUST BE APPROVED BY THE OAC DEATH PENALTY SUB-COMMITTEE

8. JUVENILE DELINQUENCY ATTORNEY

A. MEMBER OF CALIFORNIA BAR

1. Has practiced law three (3) years;
 - a. Qualified as Class III, IV or higher under OAC requirements
 - b. Has handled Juvenile Court Matters (list cases by charges and approximate dates)

OR:

- c. Served 2 years on the Juvenile Delinquency Panel **OR:**
- d. Served one (1) year as a Public Defender in Juvenile Court.

B. CONTINUING LEGAL EDUCATION

1. Twelve (12) hours in the past year in relevant area.
2. Watch 5 hour CPDA Juvenile Delinquency Seminar video tape (available at OAC)

OR

3. Have completed six (6) hours Juvenile Delinquency CLE in past 12 months.

E. HAS SUBMITTED REFERENCES

1. A list of attorneys with whom the applicant has practiced law in Juvenile Court.
2. Letters from two (2) attorneys and two (2) judges in front of whom the applicant has handled Juvenile cases.

9. ATTORNEY IN OTHER CIVIL MATTERS

A. MEMBER OF CALIFORNIA BAR

1. Has practiced three years;
 - a. may be waived, if the applicant has handled ten (10) trials, or
 - b. served one (1) year as a Public Defender or Prosecutor

B. CONTINUING LEGAL EDUCATION

1. Twelve (12) hours in the past year in relevant area.

THE SCREENING COMMITTEE MAY EXERCISE ITS DISCRETION AND IN UNUSUAL CIRCUMSTANCES MAY WAIVE OR MODIFY CERTAIN REQUIREMENTS IF TWO-THIRDS (2/3) OF THE ENTIRE SCREENING COMMITTEE BELIEVES THE APPLICANT IS OTHERWISE QUALIFIED OR NOT QUALIFIED TO ACCEPT APPOINTMENTS IN THE SPECIFIC CASE CLASS UNDER CONSIDERATION.